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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 OAKLAND DIVISION

12 UNITED STATES OF AMERICA,	)	No. CR 05-00232 MJJ
	)	
13 Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
	)	ORDER EXCLUDING TIME FROM JULY
14 v.	)	28, 2005 TO AUGUST 19, 2005 FROM
	)	THE SPEEDY TRIAL ACT
15 BEAU JAMES DEFRENCHI,	)	CALCULATION (18 U.S.C. §
	)	3161(h)(8)(A))
16 Defendant.	)	
17	)	

18  
19 With the agreement of the parties, and with the consent of the defendants, the Court  
20 enters this order scheduling an appearance date of August 19, 2005 at 2:30 p.m. before the  
21 Honorable Martin J. Jenkins in Oakland, California for change of plea or trial setting, and  
22 documenting the exclusion of time under the Speedy Trial Act, 18 U.S.C. § 3161(b), from July  
23 28, 2005 to August 19, 2005. The parties agree, and the Court finds and holds, as follows:

24 1. The defendant is out of custody.

25 2. The defendant agrees to an exclusion of time under the Speedy Trial Act based upon  
26 defense counsel's need to review additional discovery as well as the serious illness of the  
27 defendant and his resulting inability to consult meaningfully with defense counsel.

28 3. Counsel for the defense believes that the exclusion of time is in her client's best

1 interest.

2 4. Given these circumstances, the Court finds that the ends of justice served by excluding  
3 the period from July 28, 2005 to August 19, 2005, outweigh the best interest of the public and the  
4 defendant in a speedy trial. 18 U.S.C. § 3161(h)(3)(A), (8)(A).

5 5. Accordingly, and with the consent of the defendant, the Court (1) sets an appearance  
6 date before the Honorable Martin J. Jenkins of August 19, 2005 at 2:30 p.m. in Oakland,  
7 California for change of plea or trial setting; and (2) orders that the period from July 28, 2005 to  
8 August 19, 2005 be excluded from Speedy Trial Act calculations under 18 U.S.C. §  
9 3161(h)(3)(A), (8)(A) & (8)(B)(iv).

10  
11 STIPULATED:

12  
13 DATED: 8/3/05


  
REBECCA SULLIVAN SILBERT  
Attorney for Defendant Defrenchi

14  
15  
16 DATED: 8-3-05

  
KIRSTIN M. AULT  
Assistant United States Attorney

17  
18 IT IS SO ORDERED.

19  
20 DATED: 8/10/2005

  
MARTIN J. JENKINS  
United States District Judge